

REMARKS

New claims 34-39 have been added to the application. In addition, the specification and claims have been amended to respond to issues raised by the Examiner. Specifically, the claims and specification have been amended to refer to the ATCC Accession No. for inbred corn line BE9514. In view of the nature of these amendments, it is submitted that no new matter has been added to the application.

Claims 1, 7 and 26-27 were objected to for reciting incomplete ATCC accession information. In view of the amendment to claims 1, 7 and 26-27, it is submitted that this objection is no longer applicable to the claims now in the application. Accordingly, reconsideration and withdrawal of the objection to the claims are requested.

The specification was objected to for reciting incomplete deposit accession information. In view of the amendment to the specification, it is submitted that this objection is no longer applicable to the claims now in the application. Accordingly, reconsideration and withdrawal of the objection to the specification are requested.

Claim 26 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is traversed and it is submitted that the claims now in the application are in full compliance with the

requirements of 35 U.S.C. § 112, first paragraph. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph are requested.

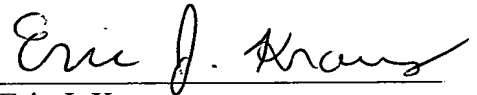
Claims 9-10 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection is traversed and it is submitted that in view of the cancellation of claims 9-10, the claims now in the application are in full compliance with the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph are requested.

Claims 9-10 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over U.S. Patent No. 5,929,313 of Kramer. This rejection is traversed and it is submitted that in view of the cancellation of claims 9-10, the claims now in the application are in full compliance with the requirements of 35 U.S.C. §§ 102(b) and 103. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §§ 102(b) and 103 are requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection

with the filing of this paper, including extension of time fees, to Deposit Account 04-1529 and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in cursive script, reading "Eric J. Kraus", written over a horizontal line.

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June 8, 2006